



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU FOR PUBLIC HEALTH

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**Policy Memorandum for Funeral Directors / Crematorium Operators  
Interim Cremation Permit Approval Process - Effective March 1, 2022**

The implementation of the statewide Electronic Death Registration System, to be known as the WV DAVE system, implemented at the direction of Governor Jim Justice by the DHHR-BPH-Health Statistics Center- Vital Registration Office & State Registrar is scheduled for full implementation on March 1, 2022.

The implementation of DAVE requires changes to the process of obtaining and approving cremation permits. As such, the process will change effective at 0001 hours on March 1, 2022. Funeral Homes and Crematoriums that have participated in the DAVE rollout that began on January 1, 2022 already have a basic familiarity with the system and have provided positive feedback concerning its utilization and efficiency.

This Interim Cremation Permit Approval Process is being implemented simultaneously with the statewide implementation of DAVE, with a finalized process to be implemented at a later date.

Funeral Directors and Crematorium Operators must review the process and ensure that they process cremation permit requests in accordance with the requirements outlined herein beginning **March 1, 2022**. For simplification and refresher, the entire cremation permit workflow process is outlined herein.

**Cremation Permit (Cremation Clearance) Workflow**

WV Code §61-12-9 requires that a permit be issued prior to the cremation of any decedent in West Virginia. The duty to obtain the permit rests with the person cremating, causing, or requesting the cremation, which is typically a funeral director.

WV Code 64CSR84 contains the Legislative Rule that applies to cremation permit requirements.

*Notes:*

- 1. The new electronic death registration system references a “Cremation Clearance”. The terms cremation clearance and cremation permit are interchangeable and refer to the same requirement, however the term cremation permit will be used throughout this document.***
- 2. The terms County Medical Examiner and County Coroner are interchangeable. The term County Medical Examiner (CoME) will be used throughout this document.***

The full implementation of the Electronic Death Registration System (WV DAVE) incorporates the cremation permit process within DAVE, making it a part of the workflow for completion and certification of death certificates. Statewide implementation on March 1, 2022 requires the following interim changes to the cremation permit workflow.

Once the legal next of kin decides that the method of disposition for the decedent will be cremation, the funeral home or crematorium has the duty to obtain a cremation permit prior to carrying out the cremation.

Under this interim process, Funeral Homes utilize the following workflow to obtain a cremation permit for an individual decedent:

The funeral home submits the request and supporting documents to the OCME for processing electronically utilizing the DAVE web based portal, the same interface that they are required to utilize to complete the death certificate.

After normal business hours (4pm on weekdays, holidays and weekends) and in the event that the OCME is unable to process the request in a timeframe that meets the needs of the funeral home, the funeral home may contact a County Medical Examiner/County Coroner (CoME) who is appointed in writing by the Chief Medical Examiner in the county where the death occurred to request approval of the cremation permit request (§61-12-9). This will trigger a “hybrid process” that combines the DAVE system and a paper submission. As such, the funeral home will need to ensure both the DAVE requirements and paper requirements are initiated and completed.

The documents required to obtain a cremation permit for a decedent are:

- the medically certified death certificate (which is already present and serves as the foundation for the DAVE file).
- In addition to the copy of the medically certified death certificate, the funeral home must submit a copy of the contract/agreement for cremation, signed by the legal next of kin and the funeral director. (This copy is

uploaded as an attachment in the DAVE system, automatically pairing it with the appropriate death certificate).

Under this interim process, funeral homes will automatically generate a request for a cremation permit in DAVE when they complete the disposition block (block 18) of the death certificate and select cremation as the method of disposition. If requesting approval by the OCME, the only additional step is the upload/attachment of the contract/agreement in the DAVE system.

If requesting approval by the CoME, in addition to the DAVE requirements, the funeral home must provide a paper based copy of the medically certified death certificate and a copy of the contract/agreement to the CoME for review, either through fax, email or other arrangement.

Upon completion of the permit, if requesting the OCME to approve, the DAVE system will electronically notify the requesting funeral home that the permit has been approved and an invoice is awaiting payment.

If requesting a CoME to approve, the CoME will supply a paper copy of the OCME Form CP1 to the requesting funeral home by the methodology (fax or email) utilized to provide the request to the CoME. The invoice for the permit will still be processed in the DAVE system.

The processing of a cremation permit request received from a funeral home should be the same for either route of submission, with the exception of the workflow outlined below that addresses how incomplete or incompetent submissions must be routed, and whether or not the review is conducted in the DAVE system or on paper. The OCME or CoME is required to conduct a review of the submitted documents as follows:

1. Review of the death certificate (or copy) to ensure that:
  - a. Each of the minimum fields are properly completed:  
1-Decedent's Legal Name; 2-Sex, 4a-Age; 14-Place of Death; 15-Facility Name; 16-City, State, Zip Code; 17-County of Death; 24-Date Pronounced Dead; 25-Time Pronounced Dead; 28-Actual or Presumed Date of Death; 29-Actual or Presumed Time of Death; 30-Was Medical Examiner Contacted & Medical Examiner Case #; 31-Competent Cause of Death; 32a-Was an autopsy performed?; 32b-Autopsy findings available?; 33-Tobacco use; 34-Pregnancy status (if female); 35a-Cause/Manner Pending; 35b-Final Manner of Death; 36a-Date of Injury; 36b-Time of Injury; 36c-Place of Injury; 36d-Injury at work?; 36e-Location of Injury; 36f-Describe how injury occurred; 36g-Transportation Injury?; 37a-Certifier Type and signature/date; 37b-Print certifier name & address; and 37c-Title of Certifier.

If the answer is yes, the reviewer proceeds to step 1b.

If the answer is no, the process is stopped. The reviewer, if a CoME, is required to refuse the issuance of the cremation permit in accordance with §64-84-13.2 and immediately refer the case to the OCME. Once a case is referred to the OCME, only the OCME has the authority to grant a cremation permit for that case, therefore, the remainder of the workflow must be completed by the OCME.

If the initial review is being conducted by OCME, or the case is referred to the OCME by a CoME, then OCME must contact the submitting funeral home to obtain the missing information, requiring changes to the death certificate to be made in the DAVE system. Once the changes are made and verified by the OCME, the OCME reviewer proceeds to step 1b.

***Note: In accordance with §64-84-13.4, “When a CoME [sic] or the OCME has refused authorization to cremate under this Section, it is unlawful for any person to solicit authorization for the cremation from any other CoME [sic].”***

- b. Ensure a competent Cause of Death is completed in Box 31, meaning that the logical chain of events leading to death are included, in the proper order, utilizing acceptable descriptive language. Ambiguous terms such as cardiac arrest, respiratory arrest or ventricular fibrillation must be accompanied by the appropriate etiology described, otherwise the entry does not meet the competency requirements. Additionally, terms that indicate trauma, accident, or other non-natural causes are not permissible for certification by any physician who is not appointed as a medical examiner. Presence of any such term requires a further detailed review of the case and records to determine if the case should have been reported to the OCME for possible assumption of jurisdiction.

If the answer is yes, the reviewer proceeds to step 2.

Just as in step 1a, if the review is being conducted by a CoME, and the contents are found to be incompetent, the CoME is required to refuse the issuance of the cremation permit in accordance with §64-84-13.2 and immediately refer the case to the OCME.

Once a case is referred to the OCME, only the OCME has the authority to grant a cremation permit for that case, therefore, the remainder of the workflow must be completed by the OCME.

If the initial review is being conducted by OCME, or the case is referred to the OCME by a CoME, then OCME must contact the submitting funeral home to notify them that the death certificate did not pass the competency review, and that an investigation termed an “Inquiry Sign-Out” has been initiated to review the full case. Upon completion of the Inquiry Sign-Out process, the OCME will re-insert the case back into this workflow, restarting the review at step 2.

2. Review of the copy of the contract/agreement submitted by the funeral home.
  - a. The OCME or CoME must review the copy of the contract/agreement attached or submitted to ensure that it is properly completed. The contract/agreement should contain:
    - i. The document should be clearly, properly, & currently dated.
    - ii. The name of the decedent as it appears on the associated death certificate.
    - iii. The date of death as it appears on the associated death certificate.
    - iv. The printed name and relationship to the decedent of the next of kin entering into the contract/agreement with the funeral home.
    - v. The signature of the next of kin entering into the contract/agreement with the funeral home.
    - vi. The name of the funeral home entering into the contract/agreement with the next of kin.
    - vii. The printed name of the funeral director authorized to sign on behalf of the funeral home.
    - viii. The signature of the funeral director authorized to sign on behalf of the funeral home.
  - b. If the contract/agreement is properly completed, the reviewer proceeds to step-3, if not continue to step 2c.
  - c. If the contract/agreement is incomplete or improperly completed, the OCME or CoME must contact the requesting funeral home and obtain a properly completed contract/agreement, both in the DAVE system and on paper in the case of a CoME. The review process is placed on hold until such time as the funeral home uploads/submits a properly completed contract/agreement. Once received, the reviewer proceeds to step 3.
3. Under this interim process, once the review of both the copy of the death certificate and the copy of the contract/agreement have been accomplished, the OCME may complete the cremation permit by making the appropriate selection in the DAVE system and digitally signing it in the appropriate place. A CoME may complete the cremation

permit by properly filling out the OCME Form CP1, and signing it in the appropriate place.

- a. The CoME, if authorizing, shall keep a record of the request, including the reviewed supporting documents, and the signed OCME Form CP1.
- b. The CoME, if authorizing, shall forward a copy of the request, including the reviewed supporting documents, and the signed OCME Form CP1 to the OCME for both record keeping and generation of the payment of the cremation permit fee to the CoME.

4. Under this interim process, the DAVE system creates an invoice in the appropriate OCME format to charge the requesting funeral home the designated cremation permit fee.

The funeral home must pay the fee electronically utilizing the DAVE system for both OCME and CoME approved permits. The funeral home can accomplish payment by the same methodology that they use to pay for certified death certificate copies in the DAVE system.

The OCME will pay the fee to the CoME on their regular bi-monthly generated invoices if the required copies are submitted to the OCME according to schedule.

The OCME shall utilize the submission of the approved cremation permit documentation by the CoME to initiate approval of the cremation permit request in the DAVE system for those requests approved through utilization of the CoME paper based option. Funeral homes can also upload a copy of the OCME Form CP1 that they obtained from the CoME into the DAVE system to initiate the approval in DAVE.

***Note: The death certificate in the DAVE system cannot be signed by the funeral director or registered by the State Registrar until the cremation permit is approved in DAVE, which must be accomplished by the OCME. Utilization of the paper based option does not remove this requirement, therefore timely submission of the paper based approvals by the CoME will have a direct effect upon the timeliness of death certificate completion and registration.***

5. Once the cremation permit fee is paid in the DAVE system, the funeral home has access to the completed OCME Form CP1 in DAVE for printing and utilization to meet their needs. Under this interim process, the DAVE system tracks, records and reconciles payments and a file is shared with BPH Central Finance to properly track accounts receivable.

Utilization of the CoME paper option will require that the OCME be directly involved in the payment of cremation permit fees to the CoME. The implementation of the DAVE system and the requirement for funeral homes to pay cremation permit fees in DAVE has no mechanism for the payment to be directed to individual vendors (which is the current status of CoME), the State Treasurer directs these payments into the OCME account. As such, when the hybrid paper option for a CoME to approve a cremation permit is utilized, it will require that the OCME pay the individual CoME for the permits that they approve.

This will be accomplished by adding each cremation permit approved by a CoME to their twice monthly generated payment invoices that are currently created for medicolegal death investigation services. Just as submission of the original OCME-1 in a case initiates payment for an investigation, the submission of the CP1 and supporting documents will initiate payment for a cremation permit.

The OCME will track receipt of the approved cremation permit packets submitted by each CoME and make itemized entries to their respective invoices for payment.

Additionally, as noted above, receipt of the paperwork from the CoME will initiate completion of the cremation permit requirement in the DAVE system. Funeral homes will also have the option of uploading and attaching the approved OCME Form CP1 that they receive from the CoME to initiate approval of the cremation permit in the DAVE system.

Failure on behalf of the CoME to submit the required paperwork will result in not receiving payment of the fee and may also result in delays in completing the death certificate and registering the death with vital registration at the state level.

6. This completes the outline of the interim cremation permit workflow.

As one of only a handful of states and territories that have not been utilizing electronic death registration over the past decade or more, the implementation of DAVE in West Virginia is a milestone that moves the state forward in its efforts to modernize this important record keeping system. The added efficiency, quality assurance, and ability to more quickly meet the needs of our citizens has already been shown to have an immediate positive impact during the first two months of the DAVE implementation.

The OCME will continue to gather feedback and lessons learned as we progress through the implementation of this new system and make adjustments. As such, you can expect to receive additional instructions and/or changes to the cremation permit and other processes in the future.

Please feel free to contact the OCME at (304) 558-6920 with any questions or feedback that you may have concerning this interim process or any other questions that you may have. I look forward to working with you and other stakeholders to continue to improve our service to the citizens of West Virginia.

Thank you for your service and contributions to these efforts.

Respectfully,

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Matt Izzo  
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